

BOARD OF PHYSICAL THERAPY MINUTES

DATE: February 17, 2012

TIME: 9:00 a.m. C.D.T

LOCATION: 227 French Landing Drive
Heritage Place, Metro Center
Ground Floor, Iris Conference Room
Nashville, TN 37243

MEMBERS PRESENT: Brandon Hollis, PT, Secretary
Michael Voight, PT, PhD
Minty R. Ballard, Consumer Member

MEMBER ABSENT: Brigina Wilkerson, PT, Chair
Lisa Fortner, PTA

STAFF PRESENT: Marva Swann, Board Director
Michael Salyers, Board Administrator
Marc Guilford, Assistant General Counsel
Jane Young, General Counsel
Mark Waters, Deputy General Counsel

GUESTS: Mike Harkreader, Tennessee Professional Assistance Program
Scott Newton, President, Tennessee Physical Therapy Association
Cathy Hinton, Tennessee Physical Therapy Association

With a quorum being present, the meeting was called to order by Mr. Hollis at 9:07 a.m. General Counsel, Jane Young, and Deputy General Counsel, Mark Waters were introduced to the Board and welcomed to the Department of Health.

Approval of Minutes

Ms. Ballard made a motion seconded by Dr. Voight to approve the minutes of the November 18, 2011 meeting. The motion carried.

Office of General Counsel Report

Rules

The rules to increase fees have been filed with the Secretary of State's Office and are scheduled to take effect on March 26, 2012. The Joint Government Operations Committee is scheduled to consider these rules at its meeting on Monday, February 27, 2012. Ms. Wilkerson will be asked to attend.

The Board was advised that the proposed rule change to limit the number of times an applicant may take the licensure exam would be contrary to Tennessee Code Annotated Section 4-19-102. The Board discussed alternatives to increase its oversight of applicants who have failed the licensure exam multiple times. Mr. Guilford will research through the Federation of State Boards of Physical Therapy (FSBPT) the passing rate of the NPTE based on the number of times an individual takes the exam. Dr. Voight made a motion seconded by Ms. Ballard requesting Mr. Guilford write a rule proposal that would increase the necessary passing score with each time the NPTE is repeated. The motion carried.

The Board will allow PTAs to sit for the exam prior to graduation provided they meet the same requirements set forth for PTs at the August 2011 meeting.

Litigation

There are seventeen (17) open cases in the Office of General Counsel for this Board. If ratified, two cases will be closed at this meeting by Consent Orders.

Consent Orders

- A. **Karen McAndrews, PTA**—Ms. McAndrews failed to obtain required continuing competency hours for the years 2009 thru 2011. Ms. McAndrews completed two (2) of the required twenty (20) hours for a PTA. As a result, Ms. McAndrews agrees to an assessment of eighteen (18) type C civil penalties of \$50.00 each for a total of nine hundred (\$900.00) dollars. A motion was made by Ms. Ballard and seconded by Dr. Voight to approve the Consent Order as presented. The motion carried.
- B. **Emily Beth Barnett, PT**—Ms. Barnett was convicted of Driving Under the Influence on June 14, 2011. On or about November 30, 2011, Ms. Barnett signed a 36-month Monitoring Agreement with the Tennessee Professional Assistance Program (TnPAP). She agrees that her license to practice physical therapy in Tennessee shall be placed on Probation for a period of one (1) year. She must maintain the advocacy of TnPAP until such time as TnPAP submits a report that she has successfully completed her monitoring agreement. Dr. Voight made a motion seconded by Ms. Ballard to approve the Consent Order as presented. The motion carried.

Agreed Citations

- A. **Sandra K. Fahn-PT**—Ms. Fahn failed to properly maintain a sufficient number of continuing competence credits in violation of Tenn.Code Ann §63-13-304 and Rule 1150-01-.12. By signing this citation, Ms. Fahn agrees to pay thirty (30) type C civil penalties in the amount of one hundred (\$100.00) dollars representing one type C civil

penalty for each continuing competence credit hour deficient. She further agrees that her license to practice physical therapy in Tennessee be suspended for at least forty-five (45) days from the ratification of this citation. This suspension will not be lifted until Ms. Fahn has provided proof of completing the number of deficient continuing competence hours.

- B. **Angela Wolfenbarger, PTA**—Ms Wolfenbarger failed to properly maintain a sufficient number of continuing competence credits in violation of Tenn. Code Ann. §63-13-304 and Rule 1150-01-.12. By signing this citation, Ms. Wolfenbarger agrees to pay four (4) type C civil penalties in the amount of four hundred (\$400.00) dollars representing one type C civil penalty for each continuing competence credit hour deficient. She will pay the civil penalty within thirty (30) days and provide proof of completing the number of deficient hours within sixty (60) days of the ratification of this citation.
- C. **Martha P. Lemm, PT**—Ms. Lemm failed to properly maintain a sufficient number of continuing competency credits in violation of Tenn. Code Ann. §63-13-304 and Rule 1150-01-.12. By signing this citation, Ms. Lemm agrees to pay three (3) type C civil penalties in the amount of three (\$300.00) dollars representing one type C civil penalty for each continuing competence credit hour deficient. She will pay the civil penalty within thirty (30) days and provide proof of completing the number of deficient hours within sixty (60) days of the ratification of this citation.
- D. **Foy Carmichael, PT**—Mr. Carmichael failed to properly maintain a sufficient number of continuing competency credits in violation of Tenn. Code Ann. §63-13-304 and Rule 1150-01-.12. By signing this citation, Mr. Carmichael agrees to pay two point ten (2.10) type C civil penalties in the amount of two hundred and ten (\$210.00) dollars representing one type C civil penalty for each continuing competence credit hour deficient. Mr. Carmichael has met all conditions to date.

After the Board reviewed and discussed each of these Agreed Citations, Dr. Voight made a motion seconded by Ms. Ballard to approve them all as presented. The motion carried.

Tennessee Professional Assistance Program (TnPAP) Report

Contract

The TnPAP contract with amendment was presented for approval. It was proposed that the sentence in Section A.1(15)(b) of the contract which reads “The participant’s signature shall be acknowledged by at least one (1) witness” be deleted and replaced with “The participant shall sign on the line provided for his/her signature, acknowledging that (s)he has been informed of his/her rights.” After discussion, Dr. Voight made a motion seconded by Ms. Ballard to approve the contract as amended. The motion carried.

Report

Mike Harkreader, of the Tennessee Professional Assistance Program (TnPAP) presented the statistics for the period of July 1, 2011 through December 31, 2011

	PT	PTA
Monitoring	1	4
Monitoring Agreement signed		
Referrals	1	5
Reason for Referral		
Substance		
Abuse/Dependence	0	1
History of arrest	1	4
Other (treatment)	0	0
Discharge		
Evaluated Monitoring		
unnecessary	1	1
Monitoring successfully		
completed	0	1
Noncompliant reported		
TDOH	0	0

Investigation and Disciplinary Reports

Monitored Practitioner Report:

PT		PTA	
Total	4	Total	5
On Probation	1	On Probation	2
Suspended	1	Suspended	2
Revoked License	2	Revoked License	1

Investigative complaints as of January 31, 2012:

PT		PTA	
Open	8	Open	2
Received	4	Received	0
Closed	8	Closed	1
No action	3	No action	0
Letter of warning	1	Letter of Warning	0
Referred to OGC	4	Referred to OGC	1
Total Open	4	Total Open	1

Applicant Interview/File Review

- A. **Joseph Burrer**—Mr. Burrer is applying to be licensed as a PTA by reciprocity. He was not present. His file was brought before the Board due to being convicted of drug paraphernalia offenses. After review and discussion, Ms. Ballard made a motion seconded by Dr. Voight to approve Mr. Burrer for licensure. The motion carried.
- B. **Amanda Hammack**—Ms. Hammack is applying to be licensed as a PT by reciprocity. She was not present. Her file was brought before the Board due to her lacking some general education courses. Ms. Hammack has been licensed by the physical therapy boards of Texas and Virginia. The Board's consultant, Alan Meade, reviewed Ms. Hammack's credentials and recommended that the board waive the general education courses and that she be granted a provisional license because she has not practiced since 2004. After review and discussion, Dr. Voight made a motion seconded by Ms. Ballard to approve Ms. Hammack for a provisional license of 1920 hours. The motion carried.
- C. **Janet Taylor**—Ms. Taylor is applying to be licensed as a PTA. She was not present. Her file was brought before the Board due to being convicted of forgery and fraudulent use of a credit/debit device. After review and discussion, Ms. Ballard made a motion seconded by Dr. Voight to approve Ms. Taylor for licensure. The motion carried.
- D. **Joshua Brazelton**—Mr. Brazelton is applying to be licensed as a PT. He appeared before the Board due to being convicted of having an open container offense. After interview and discussion, Dr. Voight made a motion seconded by Ms. Ballard to approve Mr. Brazelton for licensure. The motion carried.
- E. **Megan Webster**—Ms. Webster is applying to be licensed as a PTA. She appeared before the Board because she was convicted of a charge of DUI. After interview and discussion, Ms. Ballard made a motion seconded by Dr. Voight to approve Ms. Webster for licensure. The motion carried.
- F. **Manu Joseph**—Mr. Joseph is a foreign educated PT applying to be licensed by reciprocity. He was not present. Alan Meade, the Board's consultant, reviewed Mr. Joseph's educational credentials along with the Foreign Credentialing Commission for Physical Therapists (FCCPT) credentialing report and found Mr. Joseph's education to be substantially equivalent to the first professional degree in physical therapy in the United States at the time of his graduation. After review and discussion, Dr. Voight made a motion seconded by Ms. Ballard to approve Mr. Joseph for a provisional license of 1920 hours.

Board Correspondence/ Discussions

A. Joint Mobilizations by PTAs

Ms. Jennifer Torres submitted an inquiry as to whether it is within the scope of practice for PTAs to perform joint mobilizations. Scott Newton, President of the TPTA spoke briefly regarding this question. He advised that the Practice Act does not specifically address PTAs and joint mobilization. Mr. Newton at the request of the Board is to submit this inquiry to the TPTA's members and the Manipulation Task Force and present his findings at the next board meeting in May. As of now Ms. Torres is referred to Rule 1150-01-.02 (b) (5) and is to work with her supervisor when performing joint mobilizations.

B. Continuing Competency

Scott Newton, President of TPTA, requested that the Board consider allowing the TPTA to review all CE courses. After discussion, the Board decided to continue with the proposed rule amendment Mr. Guilford is currently drafting to allow the TPTA to review and approve ethics and jurisprudence courses. The Board also requested that Mr. Guilford draft a rule amendment in reference to 1150-01.12 5 (c) (d) and (e) replacing the terminology "Health related organizations" with "physical therapy related organizations (e.g. APTA, or any component of the APTA, FSBPT, or TPTA)."

C. 2012 NPTE Policies

The Board directed a letter to be sent to the FSBPT inquiring the following:

1. Can the current policy of not opening a file for an examinee before 90 days prior to their graduation be waived or amended due to there being no longer continuous testing? By so doing it would allow some examinees more than one opportunity to take the exam prior to graduation.
2. Would the Federation consider opening a file even if it is more than 90 days prior to the examinee's graduation date?
3. Is the lack of seats in certain testing areas being addressed?
4. Can seating in Tennessee testing facilities be reserved for Tennessee residents first?

Response to inquiry to be presented to Board at next meeting.

D. Criminal Convictions Policy

The Board adopted a new policy (attached) for applicants with criminal convictions. The policy states that any applicant with a Class C misdemeanor will not be required to appear before the Board. Any applicant with a class A or B misdemeanor that is less than 5 years old will be required to come before the Board; however, those over 5 years old will not be required to appear before the Board. Applicants with felony convictions regardless of the length of time of occurrence will be required to appear before the Board.

Ethics and Jurisprudence Course Review

- A. **Amedysis**—Ms. Wilkerson recommended approval of the course pending submission of the course post-test, the vita for the instructor, and a description of the methods to be used to track those who had taken the course. Ms. Ballard made a motion seconded by Dr. Voight to allow the provider six months to submit requested documents and to approve course upon receipt. The motion carried.
- B. **Care2Learn Ethics and Jurisprudence**—Ms. Wilkerson recommended approval of the ethics portion of the course only due to the jurisprudence section being of just forty minutes duration. The provider must also submit details as to how they will have participants evaluate the course and a sample of the certificate they will award. Dr. Voight made a motion seconded by Ms. Ballard to approve the ethics portion of the course with the addition of the documentation recommended by Ms. Wilkerson along with requesting that the provider submit a new request for approval of the ethics portion of the course only. The motion carried.
- C. **Care2Learn Jurisprudence**—Ms. Wilkerson recommended approving for jurisprudence pending submission of how the provider will have participants evaluate the course and a sample of the certificate they will award. Dr. Voight made a motion seconded by Ms. Ballard to accept this recommendation. The motion carried.
- D. **Advantage CEUs**—Ms. Wilkerson recommended approving this course for 2 hours ethics and 2 hours jurisprudence. Ms. Ballard made a motion seconded by Dr. Voight to approve the course. The motion carried.
- E. **Milestone**—Ms. Wilkerson recommended approval of this course for ethics only. Dr. Voight made a motion seconded by Ms. Ballard to have provider resubmit course material within six months requesting approval of ethics only giving administrative staff directions to approve upon receipt. The motion carried.
- F. **At Home Seminars**—Ms. Wilkerson recommended approving this ethics course pending submission of a revised outline including APTA code of ethics instruction. Dr. Voight made a motion seconded by Ms. Ballard to deny approval of the course and to recommend that provider resubmit request with recommended requirements at a later date for board approval. The motion carried.
- G. **Innovative Education Services**—Ms. Wilkerson recommended that this course of 2 hours ethics and 2 hours jurisprudence be approved. Dr. Voight made a motion seconded by Ms. Ballard to approve the course as presented. The motion carried.
- H. **Biologix Solutions**—Ms. Wilkerson did not recommend approval due to concern regarding instructor's qualifications and questionable test items. Dr. Voight made a motion seconded by Ms. Ballard to deny approval and recommend that provider resubmit

request at a later date after they have remedied issues raised by the Board. The motion carried.

Financial Report

Total revenue collections for FY2011 were \$217,462.58 with total expenditures of \$249,578.37 leaving a deficit of -\$32,115.79 combined with -\$9,386.99 carryover leaving a total deficit of -\$41,502.78. The Board has increased licensure fees as a means of regaining solvency. The new fees will become effective 3/26/12.

Remediation

Dr. Voight made a motion seconded by Ms. Ballard to approve the remediation plans reviewed by Board consultant, Alan Meade. The plans were for the following applicants:

CARLOS CLARDY, PT
NILS NEGLIN, PT
DANIELLE VARNER, PTA
DENNIS GOSSELIN, PTA
SUNAINA DHAWAN, PT
JUDY JOLLEY, PTA

The motion carried.

Ratification of Initial Determinations

Dr. Voight made a motion seconded by Ms. Ballard to approve the following lists of initial PT applicants for licensure. The motion carried.

PHYSICAL THERAPISTS

NEW LICENSES

EVAN THOMAS BECKMAN
JODY MEGAN BLAKE
JILLIAN LEIGH BOUCHEY
DOUGLAS ROY BRANTLEY
MARK CRAGUN BUNKER
ELIZABETH ANNE CALDWELL
ANDRES FERNANDO CARDOZA
CARLOS MONTE' CLARDY
JAMES ANDERSON CLARK
ERIC SCOTT COLLINS
ALICE K.E. CRILLY
JAMES RYAN DUFFY
EDWARD RAYMOND DUNLAY
EMILY ANN FECCO
JENNIFER NICOLE FLETCHER
EMILY RUTH FRANKLIN

JILL VALERIE GERIC
JESSICA FORSYTHE HENLEY
DANIELLE MARY HMIELEWSKI
MARY E HOBBS
ERFAN IZADI
WHITNEY RACHELLE JENNINGS
GABRIELLE CATHERINE KAHL
JENNY REBECCA KEMP
JASON ROBERT KRAL
MEENAKSHI MALHOTRA
DONNA SHAW MARTIN
TIFFANY TEAL MATTERA
LAURA LOUISE MORLEY
MICHAEL ROBERT NAISMITH
ANDREA MICHELLE NEWMAN
EMILY NADINE PACE

DEBORAH J PHELPS
BRIAN JEREMY PICKETT
KRISTY LYNN POHLMAN
DEREK RYAN PYLE
MICHAEL RICHARD D RAGAN
KELLIE MARIE RAY
MADONNA DOCTOLERO REYES
DIVINA PIZARRO RICH
MEGAN ANNE ROBERTS
ANDREA LEIGH SALZMAN
ROCCO VINCENT SARLI
DONNA L SCHMIDT
EILY JEANNETTE SKELLY

JOSEPH E SMITH
CRAIG LEE SNIDER
SARA RENEE STINSON
ALLISON LEIGH SUITS
BRENT F TAYLOR
WINSTON JOSHUA TERRY
CYNTHIA LEIGH THOMSON
HOLLY MARIE WHITT
KATY LYNNE WISEMAN
TIMOTHY ANDREW WOOTEN
PETER STEPHEN ZATEZALO
STEVEN MICHAEL ZEISS

REINSTATEMENTS

Dr. Voight made a motion seconded by Ms. Ballard to approve the following PT reinstatements for licensure. The motion carried.

DENICE MARIE ECKLER
ZANETTA LYNN FOSTER
AMY RENAE GRAHAM
WENDY M MCDONNELL
DANIEL GREGORY PERNELL

PHYSICAL THERAPIST ASSISTANTS

Dr Voight made a motion seconded by Ms. Ballard to approve the following list of initial PTA applicants for licensure. The motion carried.

NEW LICENSES

SARAH ELIZABETH BARE
MARIA CLAIRE BOGLE
KYLE RAY BORING
FELICIA LYNN CAIN
PAMELA LYN CHANEY
KELLY DARLENE CLARK
VALERIE DAWN CORTIS
CAMILLE ANN CUNNINGHAM
DAWN C DAVIS
HEATHER NICOLE DAY
MICHELE LYNN DIETZ
GENE THOMA DRISKILL
DONIELLE LABOY'A FLOWERS
SHAWNDA RENEE FRIESEN
TIMOTHY ALAN GANNON

NIKKI M HARRIS
MARCUS EDWARD HAYSLETT
SKYLAR WHITNEY JONES
MARLENA GAYLE JUSTICE
HOLLY ANNA LUEBBERT
BRENDA NORTON MCLENDON
JONATHAN ROBERT MILLER
SHERMICA HOWARD MYLES
LAVERNE DIANNA NWAABI
SARAH ELIZABETH PITTS
JENNIFER ANN TORRES
CYNTHIA ELLEN TRIBELL
ANELITA KENNE' UPCHURCH
CAITLIN REEVES WHITEHEAD

REINSTATEMENTS

Dr. Voight made a motion seconded by Ms. Ballard to approve the following PTA reinstatements for licensure. The motion carried.

DELISA RENE' BRANSON
RHONDA C MARTIN

ABANDONED FILES

Ms. Ballard made a motion seconded by Dr. Voight to approve the closing of the following lists of PT and PTA abandoned files. The motion carried.

PHYSICAL THERAPISTS

DONIELLE FLOWERS
TENNISHA JONES

PHYSICAL THERAPIST ASSISTANTS

CASEY COCKERHAM
MICHAEL COX
DARREN HENDERSON
MEENA PALANISAMY
PENNY ROBERTS

Administrator's Report

Licensure Statistics from November 16, 2011 thru February 14, 2012.

- 4524 Physical Therapists
- 2881 Physical Therapist Assistants

Physical Therapists

- Newly Licensed—89
- Reinstated—5
- Renewals—229 (paper) 313 (online)

Physical Therapist Assistants

- Newly Licensed—61
- Reinstated—2
- Renewals—171 (paper) 186 (online)

Board Members

All positions are currently filled.

Election of Officers

Deferred until next meeting.

Adjournment

There being no further business, the meeting was adjourned at 1:00 p.m.

These minutes were ratified at the May 11, 2012 meeting